



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 30, 2022

**BY ECF**

Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

**EX PARTE  
REQUEST FILING UNDER SEAL**

**Re: *United States v. Joshua Adam Schulte,*  
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully writes pursuant to the Court's order directing the Government to file a letter "addressing whether or when ECF No. 949 can be disclosed to Defendant, whether in redacted form or unredacted form; and whether there is any reason to withhold from Defendant the identity of the AUSAs who filed the application." (D.E. 952).

As described in the Government's sealed, *ex parte* letter dated September 23, 2022 (the "*Ex Parte* Letter"), the Government is pursuing additional investigative steps based on the discovery of child sexual abuse material ("CSAM") on the defendant's discovery laptop, including a search of the defendant's cell at the Metropolitan Detention Center ("MDC") and a search of materials maintained in the Courthouse Sensitive Compartmented Information Facility ("SCIF"). The Government anticipates applying for a warrant to search the defendant's cell at the MDC in the Eastern District of New York. If the application is granted, the search is currently expected to take place on Wednesday, October 5, 2022, and will be conducted by a team of wall agents. The Government also expects to submit for this Court's consideration an application for a warrant to seize and search certain materials maintained in the SCIF used by the defendant in connection with the CSAM materials previously produced in discovery. If that application is granted, we anticipate also executing that search on October 5, with the search to be conducted by a team of wall agents and access to the SCIF to be facilitated by the Court-appointed Classified Information Security Officer ("CISO"). Finally, the Government anticipates invoking paragraph 32 of the March 14, 2022, Amended Protective Order Pertaining to Classified Information (D.E. 739), which provides that a wall team of law enforcement agents may review log activity from computer equipment maintained in the SCIF for purposes of determining if the equipment has been used in an unauthorized manner. The Government expects the wall team to collect that data, in coordination with the CISO, next week as well.

The Government respectfully submits that, in order to avoid compromising these investigative steps, it is appropriate to continue to maintain the *Ex Parte* Letter *ex parte* and under seal at this time. Disclosure to the public or the defense would alert the defendant to the nature and scope of the Government's ongoing investigative efforts, and specifically the particular covert steps that the Government intends to take within the next week, and present the risk that evidence will be concealed, altered, or destroyed. See *United States v. Smith*, 985 F. Supp. 2d 506, 532 and n.13 (S.D.N.Y. 2013). The *Ex Parte* Letter need not remain *ex parte* and under seal indefinitely, however, and the Government intends to request the unsealing and public filing of that letter after the investigative steps outlined above are complete, which the Government currently expects will be Thursday, October 6.

The Government does not object to disclosing to the defendant the identities of the AUSAs who filed the *Ex Parte* Letter and, with the Court's permission, will so advise defense counsel.

Accordingly, the Government respectfully requests until Thursday, October 6, 2022, to provide the Court with a further status update on the appropriateness of continued sealing of the *Ex Parte* Letter. If the investigative steps outlined above have been carried out as anticipated, the Government expects to propose unsealing the *Ex Parte* Letter, the Court's memo endorsed order of the *Ex Parte* Letter, and this letter, in an appropriate form. Because this letter discusses the content of the sealed *Ex Parte* Letter and provides further detail about ongoing and anticipated investigative actions, the Government also respectfully requests that this letter be accepted *ex parte* and under seal, and subject to the proposed October 6 update.

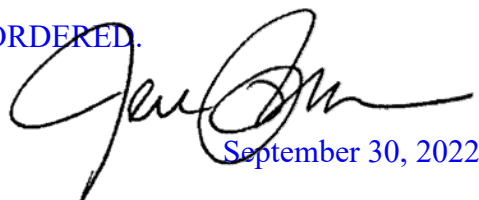
Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by:                     /s/                      
David W. Denton, Jr./Michael D. Lockard  
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Applications GRANTED. The Government shall promptly disclose to Defendant the identity of the AUSAs who submitted the *Ex Parte* Letter. Further, the Government shall submit a status letter no later than October 6, 2022, at 10 a.m. --- and shall advise in that letter if the *Ex Parte* Letter (with the Court's endorsement) and this letter (with the Court's endorsement) can be publicly filed.

SO ORDERED.



September 30, 2022